

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CARMILLA TATEL, ETC., ET AL.,)	CIVIL ACTION NO. 22-837
)	
Plaintiffs,)	JUDGE JOY FLOWERS CONTI
)	
)	
)	
v.)	
)	
MT. LEBANON SCHOOL DISTRICT,)	
ET AL.,)	
)	
)	
Defendants.)	

ORDER

AND NOW, this 30th day of September, 2024, in accordance with the accompanying opinion, **IT IS HEREBY ORDERED** that:

- (a) Plaintiffs' motion to strike responses to the CSMF (ECF No. 125) is DENIED, although certain facts will be deemed undisputed.
- (b) Defendants' summary judgment motion (ECF No. 92) is GRANTED IN PART AND DENIED IN PART as follows: (1) summary judgment is granted in favor of Wyland on all claims; (2) summary judgment is granted in favor of all Defendants and against Dunn on the Free Exercise claim in Count IV; (3) the familial privacy claim in Count III is subsumed into Count I and is therefore dismissed; (4) summary judgment is granted in favor of Defendants with respect to the state law claim in Count VI because the Pennsylvania School Code does not provide a private right of action; and (5) the motion is denied in all other respects.
- (c) Plaintiffs' summary judgment motion (ECF No. 96) is GRANTED IN PART AND DENIED IN PART as follows: (1) summary judgment is granted in favor of Plaintiffs

and against the District, Williams, Bielewicz, Irvin and Steinhauer on the Substantive Due Process claim in Count I, which subsumes the familial privacy claim in Count III; (2) summary judgment is granted in favor of Plaintiffs and against the District, Williams, Bielewicz, Irvin and Steinhauer on the Procedural Due Process claim in Count II; (3) summary judgment is granted in favor of Plaintiffs and against the District, Irvin and Steinhauer on the Equal Protection claim in Count IV; (4) summary judgment is granted in favor of Tatel and Melton and against the District, Williams, Bielewicz, Irvin and Steinhauer on the Free Exercise claim in Count IV; and (5) summary judgment is granted in favor of Plaintiffs with respect to the request for declaratory relief on the federal constitutional claims in Count VI.

- (d) The following declaratory relief is awarded in favor of Plaintiffs and against the District, Williams and Bielewicz:

Absent a compelling governmental interest, parents have a constitutional right to reasonable and realistic advance notice and the ability to opt their elementary-age children out of noncurricular instruction on transgender topics and to not have requirements for notice and opting out for those topics that are more stringent than those for other sensitive topics.

- (e) Nominal damages of \$1.00 are awarded in favor of each Plaintiff and against each of the District, Williams, Bielewicz, Steinhauer and Irvin (\$3.00 each), for a total of \$15.00.

/s/ Joy Flowers Conti
Joy Flowers Conti
Senior United States District Judge